

**P.O.S.T. BOARD MEETING**  
**RECORD OF PROCEEDINGS**  
*March 6, 2009*

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The Peace Officer Standards and Training Board held its 366th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

**BOARD MEMBERS**

SHERIFF JAMES ALDERDEN  
SHERIFF JAMES BEICKER  
CHIEF HEATHER A. COOGAN  
SAC JAMES H. DAVIS  
SERGEANT LOUIS DIXON III  
COMMISSIONER SARA J. FISHER  
CHIEF DENNIS HARRISON  
SHERIFF STAN HILKEY  
OFFICER NICHOLAS A. PECK  
PUBLIC MEMBER BOB PENCE  
CHIEF PAUL D. SCHULTZ  
ATTORNEY GENERAL JOHN SUTHERS  
OFFICER NEAL TYLER  
SHERIFF LOUIS VALLARIO  
EXECUTIVE DIRECTOR PETER WEIR

**BOARD MEMBERS ABSENT**

SHERIFF JAMES CASIAS (excused)  
CHIEF BRIAN N. KOZAK (excused)  
CHIEF JOHN PATTERSON (excused)  
SHERIFF JOE PELLE (excused)  
CHIEF GERALD WHITMAN (excused)

**BOARD COUNSEL**

DIANE MARIE DASH, Assistant Attorney General

**STAFF MEMBERS**

JOHN KAMMERZELL, P.O.S.T. Director  
CRISTINE MACK, Investigator  
RUTH VANDERBROEK, Compliance Officer  
LISA TONEY, Administrative Assistant  
SUZANNE WALKER, Training Program Coordinator

## **MEMBERS OF THE PUBLIC IN ATTENDANCE**

DARRELL AULSTON, Colorado State Patrol  
PHIL BACA, Commerce City Police Department  
MIKE BARNETT, Fountain Police Department  
MINER BLACKFORD, Otero Junior College  
ERIK BOURGERIE, Summit County Sheriff's Office  
BILL CLAYTON, CPPA, CSPPA, CDAC, PPA  
DAN CORSENTINO, Fountain Police Department  
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office  
TONY DATTILO, Adult Parole  
GLENN DAVIS, Colorado Department of Transportation  
DAVID EDMONDSON, Colorado Springs Police Department  
ERIC A. GONZALES, Pueblo Police Department  
BRIAN HILL, Federal Reserve Police Department  
KEN HILTE, Pikes Peak Community College Police Department  
GLENN JOHNSON, Colorado Department of Transportation  
ED KAFEL, El Paso County Sheriff's Office  
DONN KRAEMER, Lakewood Police Department  
PETE LAWRENCE, Colorado State Patrol  
JOHN MINOR, Summit County Sheriff's Office  
DARREN O'DRISCOLL, El Paso County Sheriff's Office  
AL PADILLA, Lakewood Police Department  
KRISTI QUINTANA, Colorado State Parks  
JD ROSS, El Paso County Sheriff's Office  
MIKE SACCONI, Office of the Attorney General  
JOEL F. SHULTS, Adams State College Police, Alamosa  
KARL SMALLEY, Adams County Sheriff's Office  
RICHARD STENSGAARD, Denver Police Department  
JOE THOMAS-HAZELL, Citizen  
MIKE WALKER, Denver Police Department  
RICH WEBB, Jefferson County Sheriff's Office  
DEB WILKE, P.O.S.T.

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 5, 2008.

Arrest Control Committee  
Curriculum Committee  
Firearms Committee  
Driving Committee

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## **Introductions:**

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Roll Call P.O.S.T. Director John L. Kammerzell  
*Declaration of a Quorum*
4. Approval of P.O.S.T. Board Minutes for December 5, 2008  
*Approved Unanimously*

## **Presentations:**

5. Skills Subject Matter Expert Committee Reports

- A. Curriculum Chief Phil Baca, Chairman

Chief Baca reported that the committee approved a new member, Sergeant Dave Edmondson of the Colorado Springs Police Department. Chief Baca welcomed Sgt. Edmondson, and stated he will be a great member for the curriculum committee.

Chief Baca reported that the committee discussed the future of training academies, and how training will be presented.

- B. Arrest Control Sgt. Richard "JJ" Webb, Co-Chairman

Sgt. Webb stated that the committee approved an assistant instructor from the Alamosa Police Department. The applicant also requested to be an SME member, which was denied due to the small amount of time the instructor had in with academy direction instruction.

Sgt. Webb reported that two academy inspections were completed in February, the Arapahoe Community College site and Durango site were both rated as very good.

Sgt. Webb stated the lesson plan for Delta County was approved. The site and safety plans for WCPOA in Grand Junction, and the Jefferson County were also approved.

Jefferson County submitted approval for seven assistant instructors, which were approved. El Paso County requested approval for nine full instructors and 12 assistant instructors, which were also approved.

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Sgt. Webb stated that the committee will conduct three inspections in April and May.

- C. Firearms Parks Assistant Regional Manager  
Kristi McDonald-Quintana, Chairwoman

Parks Assistant Regional Manager Quintana reported the committee met over the last three months, and have approved three full skills instructors and denied one due to lack of training. The committee approved 62 assistant skills instructors, and denied three assistants, two for lack of training and one because of a domestic violence permanent restraining order.

Parks Manager Quintana reported the committee approved two programs, one for handgun and one for rifle, and that the committee is currently working on an updated qualification course.

- D. Law Enforcement Driving Sergeant Al Padilla, Chairman

Sgt. Al Padilla stated the committee had reviewed two applicants for membership, both of which were denied for lack of experience. Sgt. Padilla stated that the committee recommended that these two individuals re-apply next year.

The committee approved two full instructors and four assistant instructors. Sgt. Padilla stated the committee is reviewing the inspection format of the driving aspect of the program.

Sgt. Padilla stated the committee discussed terms of pursuits as opposed to emergency driving in the manual. The subject has been tabled while further research is conducted.

The committee will conduct two future inspections in May, one at CSP and Denver in June. The Committee will assist with inspections in Weld County, Jefferson County, and in Alamosa.

- E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler reported that committee had met, and will be offering a reality based training instructor development course in the summer.

Officer Tyler stated that he is currently working with Director Kammerzell and with other SME committees in developing similar reality based training courses for each discipline.

- F. DNA Course Development Deborah Wilke, Project Coordinator

Coordinator Deb Wilke reported the committee worked on the development of student outcomes for the new in-service training program for certified peace officers.

Coordinator Wilke stated the committee is working with Knowledge Factor to determine the cost of creating a DNA course, and to allow free training to all certified peace officers for two years.

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Coordinator Wilke stated the committee is currently working on goals and objectives, and plan to have another work session in April at Knowledge Factor, when they will be developing the final curriculum.

Coordinator Wilke reported the committee plans to have the curriculum completed and ready to upload into the program by May 31<sup>st</sup>. Peace officers should be able to access to the online course on July 1, 2009.

Coordinator Wilke stated the people in the committee were great to work with and recognized them individually.

### **Action Items:**

6. Selection of the 2009 P.O.S.T. Vice-Chairperson General Suthers

General Suthers selected Fort Collins Police Chief Dennis Harrison to continue as the Vice-Chairman of the Board, and called for a motion.

***Motion made and seconded  
Approved Unanimously***

7. Peace Officer Certification Revocation Actions Director Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

**§ 24-31-305 C.R.S.** A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder ***has been convicted of a felony***, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No.08-18, John Ramon Chapman, Certification No. B-7799. On August 13, 2008, Respondent pled guilty to and was convicted of 1 count of Violation of Custody – Removal from the United States, § 18-3-304(1),(2.5), C.R.S., a class 4 felony. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: October 3, 2007 – Separated: March 1, 2004).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-18 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of John Ramon Chapman’s Colorado peace officer certificate No. B-7799, (PID 116162).

***Moved by Sgt. Dixon, and seconded by Sheriff Hilkey to revoke certification  
Passed Unanimously***

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2. No.08-19, Gregory Frank Sisco, Certification No. B-00646. On June 4, 2008, Respondent pled guilty to and was convicted of 1 count of Possessing a Dangerous or Illegal Firearm, § 18-12-102(3), C.R.S., a class 5 felony. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: December 15, 2007 – Separated: February 1, 2007).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 08-19 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Gregory Frank Sisco's Colorado peace officer certificate No. B-00646, (PID 112378).

***Moved by Sheriff Hilkey, and seconded by Chief Schultz to revoke certification  
Passed Unanimously***

**B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:**

**§ 24-31-305 C.R.S.** A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M08-10(2), Benjamin A. Roe, Certification No. B-4444. On March 12, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Domestic Violence, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Later separated on March 21, 2008).* The Respondent has failed to comply with Director's Show Cause Order M08-10(2). Director Kammerzell recommends revocation of Benjamin A. Roe's Colorado peace officer certificate, Number B-4444, (PID 124223).

***Moved by Mr. Pence, and seconded by Sheriff Alderden to revoke certification  
Passed Unanimously***

2. No. M08-11, Dawna Davis, Certification No. B-5822. On September 11, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111 (1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Summons and Complaint Filed: July 28, 2008 – Separated: October 21, 2005).* The Respondent has failed to comply with Director's Show Cause Order M08-11. Director Kammerzell recommends revocation of Dawna Davis' Colorado peace officer certificate, Number B-5822, (PID 124881).

***Moved by Sheriff Beicker, and seconded by Chief Harrison to revoke certification***

***Passed Unanimously***

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3. No. M08-12, Michael Lawrence Liddle, Certification No. B-01427. On September 25, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Domestic Violence, § 18-9-111, C.R.S., a class 3 misdemeanor. *The Respondent has never been appointed as a peace officer.* The Respondent has failed to comply with Director's Show Cause Order M08-12. Director Kammerzell recommends revocation of Michael Lawrence Liddle's Colorado peace officer certificate, Number B-01427, (PID 108583).

***Moved by Director Weir, and seconded by Chief Coogan to revoke certification  
Passed Unanimously***

4. No. M08-13, Richard P. Trujillo, Certification No. B-01317. On November 13, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Arrest Date: November 7, 2008 - Separation Date: September 12, 2005).* The Respondent has failed to comply with Director's Show Cause Order M08-13. Director Kammerzell recommends revocation of Richard P. Trujillo's Colorado peace officer certificate, Number B-01317, (PID 107154).

***Moved by Sheriff Hilkey, and seconded by Sgt. Dixon to revoke certification  
Passed Unanimously***

5. No. M09-01, Craig Raymond Hathaway, Certification No. B-09690. On November 24, 2008, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111 (1)(f), C.R.S., a class 3 misdemeanor. *The Respondent has never been employed as a peace officer.* The Respondent has failed to comply with Director's Show Cause Order M09-01. Director Kammerzell recommends revocation of Craig Raymond Hathaway's Colorado peace officer certificate, Number B-09690, (PID 100144).

***Moved by Chief Harrison, and seconded by Officer Tyler to revoke certification  
Passed Unanimously***

8. Variance Requests Director Kammerzell

- A. *P.O.S.T. Rule 10 – Conditional Peace Officer Authority and Basic Peace Officer Certification and § 24-31-305(1)(c), C.R.S., (2008).*

Provides the P.O.S.T. Board with the authorization to issue P.O.S.T. Basic Peace Officer Certification to persons holding Conditional Peace Officer Authority and who have been employed for at least one year in good standing as a peace officer by a law enforcement agency as specified in § 24-31-301(3.5), C.R.S. (2008).

B. *P.O.S.T. Rule 7 – Variances and § 24-31-305 (4), C.R.S., (2008)*

Provides that the P.O.S.T. Board may grant variances from the requirements of this section to any individual, including any individual called to active duty by the armed forces of the United States, if strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3. \*\*

1. Rachel R. White (PID 133065)

Petitioner's Request:

Petitioner requests P.O.S.T. accept her 10 months of employment and service with the El Paso County Sheriff's Office, and issue Basic Peace Officer Certification.

History/Facts:

- ☐ Petitioner began the El Paso County Sheriff's P.O.S.T. approved Basic Training Academy on October 15, 2007.
- ☐ Petitioner passed the P.O.S.T. Certification Examination and was issued P.O.S.T. Conditional Peace Officer Authority on March 11, 2008.
- ☐ Petitioner graduated from the El Paso County Sheriff's Academy on March 19, 2008.
- ☐ Petitioner voluntarily separated from service with the El Paso County Sheriff's Office on December 31, 2008 due to budgetary circumstances.

Sheriff Maketa address the Board for consideration of Conditional Officers who voluntarily resigned from their position due to the economy and budget issues. Sheriff Maketa stated Ms. White's request was to be allowed to obtain a certificate with the amount of time she had already accumulated so she could seek other employment as a certified officer. Sheriff Maketa stated he supported her decision.

Sheriff Maketa stated that Ms. White would have successfully completed the one year of service if she had not been laid off.

Staff Recommendation:

*Grant Petitioner's Request – Issue P.O.S.T. Basic Peace Officer Certificate*

- 2. Thomas Kennedy (PID 133557)
- 3. Heather Ricker (PID 133569)
- 4. Bryan Stammer (PID 133573)
- 5. Brad Bartter (PID 133540)
- 6. Daniel Wood (PID 133577)
- 7. Layne Derby (PID 133548)

\*\* All supported by El Paso County Sheriff Terry Maketa.

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Petitioner's Request:

Petitioners request that P.O.S.T. consider their 4 months of employment and peace officer service with the El Paso County Sheriff's Office, and allow completion of the requirements of P.O.S.T. Rule 10 (b)(I) for Basic Peace Officer Certification at a later date.

History/Facts:

- ☐ Petitioners began the El Paso County Sheriff's P.O.S.T. approved Basic Training Academy on March 19, 2008.
- ☐ Petitioners passed the P.O.S.T. Certification Examination and were issued P.O.S.T. Conditional Peace Officer Authority on August 14, 2008.
- ☐ Petitioners graduated from the El Paso County Sheriff's Academy on August 7, 2008.
- ☐ Petitioners voluntarily separated from service with the El Paso County Sheriff's Office on December 31, 2008 due to budgetary circumstances.
- ☐ Petitioners completed 4 months service and FTO training prior to December 31, 2008.

Staff Recommendation:

*Grant the Petitioners' Request – place their Conditional Peace Officer Authority in abeyance until the El Paso County Sheriff's Office is able to return each deputy to active status and continue the petitioner(s) training within Rule 10 (b)(I) and § 24-31-305 (1)(c), C.R.S., (2008). Issue P.O.S.T. Basic Peace Officer Certification upon receipt of a P.O.S.T. Form 1 submitted by the El Paso County Sheriff's Office, and upon completion of one full year in good standing as a peace officer.*

Sheriff Maketa stated he will hire back all the individuals, including Ms. White, affected by the forced layoff and seeks consideration to allow a hold on each person's conditional authority until the budget allows them to be rehired. Sheriff Maketa requested a year for each individual.

A motion was made to grant a variance allowing Ms. White to become certified having only completed ten months.

***Motioned by Sheriff Hilkey, and Seconded By Sheriff Vallario  
Passed Unanimously***

A motion was made to grant the variance, and allow these individuals an additional twelve months, and to be conditional upon their return to the El Paso County Sheriff's Office.

***Motioned by Sheriff Hilkey, and Seconded By Sheriff Beicker  
Passed Unanimously***

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## **Informational Items:**

9. 2009 P.O.S.T. Legislative Initiative Director Kammerzell
- A. ***HB09-1036***, 35-Cent Increase to Motor Vehicle Registration Fee: § 42-3-304 (24), C.R.S., (2008).

1. Bill Status/Report
- a. Passed House on February 18, 2008 – Vote of 42 to 21.
- b. Senate Finance Committee – Hearing, Thursday, March 5, 2009.

Director Kammerzell reported that the Bill is doing well, and that it is about 80% through the process. Director Kammerzell stated the Bill will be going to the Senate Appropriations Committee within the next two weeks.

10. Instructor Re-certification Standards for the Standardized Field Sobriety Testing (SFST) Program Glenn Davis

- A. Executive Summary
- B. POST Peace Officer Training Project Program Approval
1. TA0013 – SFST Instructor Re-certification Training Course

- C. Formal Letter of Support to all Colorado Law Enforcement Agency Heads – signed by P.O.S.T. Board Chair, Director of CDAC and CSP Chief.

SFST Coordinator Glenn Davis stated that the standards of field sobriety testing have been the same since 1999, and he feels it is important to maintain and update this type of training.

Coordinator Davis stated there are funds available through CDOT for officers to be current with the SFST course.

Attorney General Suthers asked the Board if there were any objections with him signing this letter. General Suthers stated he will sign Coordinator Davis's letter of support.

11. P.O.S.T. Peace Officer Training Project Director Kammerzell
- A. Update and Report
1. Program Status
2. 2009-2010 Project Schedule

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Director Kammerzell reported the HR department will be providing a list of eleven individuals that will be interviewed for Steve Zotos position.

Director Kammerzell stated that the oral Board will be held March 16 for the three candidates and one current State employee.

Director Kammerzell stated that the position should be filled by the first week of April.

Director Kammerzell reported that the training forum will be held April 9<sup>th</sup> at the Highlands Ranch Training Facility for all the Regions and statewide training partners, and will inform them of the grants available to them for the next cycle.

Director Kammerzell reported at the present cycle there has been a total of 65,000 hours of training and, there is to be more training conducted before the end of the fiscal year.

12. 2008 P.O.S.T. Annual Report General Suthers

The 2008 P.O.S.T. Annual report was handed out to the Board members, there were no comments.

13. 2009 P.O.S.T. Manual/CD Director Kammerzell

Director Kammerzell supplied the Board members with a hard copy and CD of the 2009 P.O.S.T. Manual, and that is now available for purchase and announced on the P.O.S.T. website.

14. Comments from others on P.O.S.T. Issues

Senior Agent Donn Kramer, of the Lakewood Police Department and Chairman of the Colorado Law Enforcement Memorial, announced that the annual ceremony will be held on May 1<sup>st</sup>.

Senior Agent Kramer stated that a disc, which can be modified or printed for use, will be mailed to the Police Administrators. The Line of Duty, Death and Serious Injury Project was created by the Colorado Law Enforcement Memorial, in conjunction with the Colorado Chapter of Concerns of Police Survivors, so that if any agency is in need of this information they have something to refer to.

Citizen Joe Thomas-Hazell stated his concerns regarding DNA collection and retention and how all agencies should follow the same protocol when collecting evidence.

15. 2009 P.O.S.T. Board Meeting Schedule

- A. 2009 Meeting Dates:  
Friday, June 5, 2009 – Colorado Department of Law  
Thursday and Friday, September 24 and 25, 2009 – Hosted by Sheriff Vallario in Glenwood Springs, Colorado  
Friday, December 4, 2009 – Colorado Department of Law

**Next P.O.S.T. Board Meeting**

**Friday, June 5, 2009  
Colorado Department of Law  
1525 Sherman Street  
Denver, CO 80203**

**S.M.E. Meetings begin at 8:00 a.m. - Board Meeting at 10:00 a.m.**